



भारत का राजपत्र

The Gazette of India

असाधारण

EXTRAORDINARY

भाग II—खण्ड 2

PART II—Section 2

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं. 18]

नई दिल्ली, बृहस्पतिवार, भर्द 10, 1990/ वैशाख 20, 1912

No. 18]

NEW DELHI, THURSDAY, MAY 10, 1990/ VAISAKHA 20, 1912

इस भाग में निम्न पृष्ठ संख्या वाली जाती है जिससे कि यह अलग संकलन
के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed
as a separate compilation.

RAJYA SABHA

The following Bills were introduced in the Rajya Sabha on the 10th May, 1990:—

I

BILL NO. XXI OF 1990

A Bill to provide for the creation of Legislative Council for the States of Andhra Pradesh and Tamil Nadu and for matters supplemental, incidental and consequential thereto.

Be it enacted by Parliament in the Forty-first Year of the Republic of India as follows:—

1. This Act may be called the Legislative Councils Act, 1990.

Short title.

2. In this Act, unless the context otherwise requires, each of the words and expressions used herein and not defined but defined in the Representation of the People Act, 1950, shall have the same meaning as in that Act.

Definitions.

3. (1) As from such date as the President may by order appoint, there shall be a Legislative Council for the State of Andhra Pradesh; and as from that date, in sub-clause (a) of clause (1) of article 168 of the Constitution, after the words "States of", the words "Andhra Pradesh," shall be inserted.

Creation
of
Legis-
lative
Council
for
Andhra
Pradesh.

(2) In the said Council, there shall be 90 seats of which—

(a) the numbers to be filled by persons elected by the electorates referred to in sub-clauses (a), (b) and (c) of clause (3) of article 171 shall be 31, 8 and 8 respectively;

(b) the number to be filled by persons elected by the members of the Legislative Assembly of Andhra Pradesh in accordance with the provisions of sub-clause (d) of the said clause shall be 31; and

(c) the number to be filled by persons nominated by the Governor of Andhra Pradesh in accordance with the provisions of sub-clause (e) of that clause shall be 12.

(3) As soon as may be after the commencement of this Act, the President, after consultation with the Election Commission, shall by order, determine—

(a) the constituencies into which the State of Andhra Pradesh shall be divided for the purpose of elections to the said Council under each of the sub-clauses (a), (b) and (c) of clause (3) of article 171;

(b) the extent of each constituency; and

(c) the number of seats to be allotted to each constituency.

(4) As soon as may be after such determination, steps shall be taken to constitute the said Council in accordance with the provisions of this Act, the Representation of the People Act, 1950 and the Representation of the People Act, 1951.

43 of 1950.
43 of 1951.

**Creation
of
Legis-
lative
Council
for
Tamil
Nadu.**

4. (1) As from such date as the President may by order appoint, there shall be a Legislative Council for the State of Tamil Nadu; and as from that date, in sub-clause (a) of clause (1) of article 168 of the Constitution, after the word "Karnataka", the words ", Tamil Nadu" shall be inserted.

(2) In the said Council, there shall be 63 seats of which—

(a) the numbers to be filled by persons elected by the electorates referred to in sub-clauses (a), (b) and (c) of clause (3) of article 171, shall be 21, 6 and 6 respectively;

(b) the number to be filled by persons elected by the members of the Legislative Assembly of Tamil Nadu in accordance with the provisions of sub-clause (d) of the said clause shall be 21; and

(c) the number to be filled by persons nominated by the Governor of Tamil Nadu in accordance with the provisions of sub-clause (e) of that clause shall be 9.

(3) As soon as may be after the commencement of this Act, the President, after consultation with the Election Commission, shall by order, determine—

(a) the constituencies into which the State of Tamil Nadu shall be divided for the purpose of elections to the said Council under each of the sub-clauses (a), (b) and (c) of clause (3) of article 171;

(b) the extent of each constituency; and

(c) the number of seats to be allotted to each constituency.

(4) As soon as may be after such determination, steps shall be taken to constitute the said Council in accordance with the provisions of this Act, the Representation of the People Act, 1950 and the Representation of the People Act, 1951.

5. In the Representation of the People Act, 1950,—

(a) in the Third Schedule,—

(i) before entry No. 2 relating to Bihar, the following entry shall be inserted, namely:—

“1. Andhra Pradesh 90 31 8 8 31 12”;

(ii) after entry No. 6, relating to Karnataka, the following entry shall be inserted, namely:—

“7. Tamil Nadu 63 21 6 6 21 9”;

(b) in the Fourth Schedule,—

(i) before the heading “Bihar”, the following heading and entries shall be inserted, namely:—

“ANDHRA PRADESH

1. Municipalities.
2. Zila Parishads.
3. Cantonment Boards.
4. Panchayat Samitis.”;

(ii) after the heading “Karnataka” and entries thereunder, the following heading and entries shall be inserted, namely:—

“TAMIL NADU

1. Municipalities.
2. Panchayat Union Councils.
3. Cantonment Boards.
4. Town Panchayats notified under the Tamil Nadu Panchayats Act, 1958 (Tamil Nadu Act XXXV of 1958), that is to say, Panchayats having a population estimated at not less than five thousand and an annual income estimated at not less than ten thousand rupees.”.

6. In section 15A of the Representation of the People Act, 1951, for the words and figures “under the Legislative Councils Act, 1957”, the words and figures “and the Legislative Council of the State of Tamil Nadu under the Legislative Councils Act, 1990” shall be substituted.

Amend-
ment of
Act 43
of 1950.

STATEMENT OF OBJECTS AND REASONS

Under article 169 of the Constitution, Parliament may, by law, provide for the creation of a Legislative Council in a State having no such Council, if the Legislative Assembly of the State passes a resolution to that effect by a majority of the total membership of the Assembly and by a majority of not less than two-thirds of the Members of the Assembly present and voting. The Legislative Assembly of Tamil Nadu passed a resolution on the 20th February, 1989 and the Legislative Assembly of Andhra Pradesh passed a resolution on the 22nd January, 1990 in terms of article 169 of the Constitution for the creation of Legislative Councils in those States. It is accordingly proposed to provide for the creation of Legislative Councils for the States of Tamil Nadu and Andhra Pradesh respectively. The said Councils will have the same number of seats as they had when they were abolished.

2. The Bill seeks to achieve the said objects and also provides for matters supplemental, incidental and consequential to the creation of such Councils.

DINESH GOSWAMI.

BILL NO. 34 OF 1990

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Forty-first Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Amendment) Act, 1990.

Short title.

2. After article 75 of the Constitution, the following article shall be inserted, namely:—

Insertion of new article 75A.

“75A. During the period from the date of announcement of general election to the House of the People, or from the date of dissolution of the House of the People, till the date of constitution of new House of the People, the Government shall function as a caretaker Government and such Government shall not initiate new policies and any policy decision taken by such Government shall be subject to ratification by the new House of the People.”.

Restriction on functions of the caretaker Government.

3. After article 164 of the Constitution, the following article shall be inserted, namely:—

Insertion of new article 164A.

“164A. During the period from the date of announcement of general election to the Legislative Assembly of a State, or from the date of dissolution of the Legislative Assembly of the State, till the date of constitution of new Legislative Assembly of the State, the Government of a State shall function as a caretaker Government and such Government shall not initiate new policies and any policy decision taken by such Government shall be subject to the ratification by the new Legislative Assembly of the State.”.

Restriction on functions of the caretaker Government.

STATEMENT OF OBJECTS AND REASONS

Past experience has shown that at the time of elections, Central as well as State Governments sometimes misuse the Government machinery in furtherance of the election of the party in power. The Party in power has, under the present circumstances, an edge over other contending political parties as it may give false promises affecting free and fair election.

It is, therefore, felt that the Constitution should be amended so as to ensure that Government (Central or State) functions as a caretaker Government during the period between the dissolution of the House of the People/Legislative Assembly of a State and the constitution of the New House of the People/Assembly.

The Bill seeks to amend the Constitution with a view to achieving the above objective.

Hence this Bill.

NEW DELHI;

February 8, 1990.

SHANTILAL PATEL

SUBHASH C. KASHYAP,

Secretary-General.